

**City of Houston  
Public Works and Engineering**

**Municipal Setting Designation Application**

**Polk Street MSD**

Prepared For:

**5610 Company LLC**  
5610 Polk  
Houston, Texas 77023

Prepared By:

**C-K ASSOCIATES, LLC**  
616 FM 1960 West, Suite 575  
Houston, Texas 77090

July 15, 2008

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## Municipal Setting Designation Application Instructions

**Application Form:** The application form is self-explanatory. Submit this completed application form as an electronic portable digital file, including all supporting documentation (#'s 1-26, if applicable) along with one (1) additional copy of the application and all supporting documentation (#'s 1-26), to the City of Houston, Public Works and Engineering Department, Planning and Development Division, Planning Branch (address shown at the bottom of this page) when applying for a Municipal Setting Designation (MSD) Certificate. The MSD application process is governed by the City of Houston Ordinance Number 2007-959. Failure to use this application form will result in denial of the application.

This application must be clear, complete, concise, correct, contain only relevant information and be organized to facilitate analysis. Supporting documentation should be submitted as a separate appendix to the application, as noted (Label "Appendix\_\_") for each numbered item. You should also indicate by checking "Yes", "No", or "N/A" in response to the stated question.

**Maps:** All maps must be accurate and drawn to-scale. The supporting information can be consolidated on fewer maps than are listed, provided the information is legible.

A professional surveyor registered with the Texas Board of Professional Surveying must certify that all property descriptions or maps with metes and bounds descriptions are accurate.

**Submittal:** Submit the application form and all supporting information, along with an application fee of \$2,000.00 (payable to City of Houston) to:

City of Houston  
Public Works and Engineering Department  
Planning and Development Division/Planning Branch  
611 Walker, 18<sup>th</sup> Floor  
Houston, Texas 77002

**Important Note:** The applicant must also pay the estimated cost of mailing notices, advertising for the public meeting, venue costs and filing fee. No refunds of these fees will be made. If there are any questions, please contact the Planning Branch at 713-837-7658.

## CITY OF HOUSTON



## PUBLIC WORKS AND ENGINEERING PLANNING & DEVELOPMENT DIVISION

### Application for Approval of Municipal Setting Designation

#### APPLICANT INFORMATION

Applicant's Name: 5610 Company LLC

☐ Individual ☒ Private Entity ☐ Public Entity ☐ Non-Profit Entity ☐ Other \_\_\_\_\_

Address: 5610 Polk Houston TX 77023  
(Street) (City) (State) (Zip)

Phone No.: 713-923-5548 Fax No.: 713-923-2253

Email: tonyf@schumachercoinc.com

#### *Contact Information*

Name of Contact: Tony Facciolo

Title: Environmental Coordinator

Address: 5610 Polk Houston TX 77023  
(Street) (City) (State) (Zip)

Phone No.: 713-923-5548 Fax No.: 713-923-2253

Email: tonyf@schumachercoinc.com

#### SITE INFORMATION

Site Name: Polk Street MSD

Site Size: Approximately 23 Acres

Site Address: 5610 Polk, Houston, TX 77023

(List all owners – additional sheet is attached, if needed)

Owner: 5610 Company LLC and Schumacher Co., Inc.

Owner Address: 5610 Polk Houston TX 77023  
(Street) (City) (State) (Zip)

Name of Contact: Tony Facciolo

Title: Environmental Coordinator

Organization: Schumacher Co., Inc.

Phone No.: 713-923-5548 Fax No.: 713-923-2253

Email: tonyf@schumachercoinc.com

## Additional Owner List

(Cont'd from pg. 1)

Owner: CenterPoint Energy Houston Electric, LLC

Owner Address: P.O. Box 1700 Houston Texas 77001  
(Street) (City) (State) (Zip)

Name of Contact: Mr. Richard Bye

Title: \_\_\_\_\_

Organization: Environmental Department

Phone No.: 713-207-7588 Fax No.: ( )

Email: [richard.bye@centerpointenergy.com](mailto:richard.bye@centerpointenergy.com)

Owner: City of Houston

Owner Address: 611 Walker St. Houston Texas 77002  
(Street) (City) (State) (Zip)

Name of Contact: Sr. Assistant Director

Title: Sr. Assistant Director

Organization: Real Estate Division, Department of Public Works and Engineering

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Owner: Metropolitan Transit Authority of Harris County

Owner Address: 1900 Main Houston TX 77208  
(Street) (City) (State) (Zip)

Name of Contact: Bob McElyea

Title: Environmental Compliance Officer

Organization: Metropolitan Transit Authority of Harris County

Phone No.: 713-652-7972 Fax No.: 713-615-6368

Email: [rm43@ridemetro.org](mailto:rm43@ridemetro.org)

Owner: 5436, LLC

Owner Address: 5436 Clay Street Houston TX 77023  
(Street) (City) (State) (Zip)

Name of Contact: Tony Facciolo

Title: Environmental Coordinator

Organization: 5436, LLC

Phone No.: 713-923-5548 Fax No.: 713-923-2253

Email: [tonyf@schumachercoinc.com](mailto:tonyf@schumachercoinc.com)

ITEM	YES	NO	N/A	COH Use Only
**Executive Summary (Use Sheet Attached)	✓			
1. Provide a legal description of the boundaries of the designated property and a copy of the deed for the designated property. <b><u>Label "Appendix A" - Cross Reference with TCEQ's # 3</u></b>	✓			
2. A site map showing: <ul style="list-style-type: none"> <li>a. The location of the designated property.</li> <li>b. The topography of the designated property as indicated on publicly available sources, which must note the watershed and whether the designated property is located in a floodplain or floodway, as those terms are defined in Chapter 19 of the Code.</li> <li>c. The detected area of groundwater contamination.</li> <li>d. The location of all soil sampling locations and all groundwater monitoring wells.</li> <li>e. Groundwater gradients, to the extent known, and direction of groundwater flow.</li> <li>f. The ingestion protective concentration level exceedence zone for each contaminant of concern, to the extent known.</li> </ul> <b><u>Label "Appendix B" - Cross Reference with TCEQ's # 1, 2 &amp; 4</u></b>	✓			
3. A description of the current use, and, to the extent known, the anticipated uses, of the designated property and properties within 500 feet of the boundary of the designated property. <b><u>Label "Appendix C"</u></b>	✓			
4. For each contaminant of concern within the ingestion protective concentration level exceedence zone, to the extent known, provide the following: <ul style="list-style-type: none"> <li>a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface.</li> <li>b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</li> <li>c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water).</li> </ul> <b><u>Label "Appendix D" - Cross Reference with TCEQ's # 5</u></b>	✓			
5. For each contaminant of concern within the designated groundwater, to the extent known: <ul style="list-style-type: none"> <li>a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface.</li> <li>b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</li> <li>c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water).</li> </ul> <b><u>Label "Appendix E" - Cross Reference with TCEQ's # 5</u></b>	✓			

ITEM	YES	NO	N/A	COH Use Only
<p>6. A table displaying the following information for each contaminant of concern, to the extent known:</p> <ul style="list-style-type: none"> <li>a. The maximum concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</li> <li>b. The critical protective concentration level without the municipal setting designation, highlighting any exceedences.</li> </ul> <p><b><u>Label "Appendix F" - Cross Reference with TCEQ's # 5</u></b></p>	✓			
<p>7. A statement as to whether the plume of contamination is stable, expanding, or contracting, with the basis for that statement. If this information is not known, a statement of why the information is not known should be attached.</p> <p><b><u>Label "Appendix G"</u></b></p>	✓			
<p>8. A statement as to whether contamination on and off the designated property without a municipal setting designation <u>exceeds</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p> <p><b><u>Label "Appendix H"</u></b></p>	✓			
<p>9. A statement as to whether contamination on and off the designated property with a municipal setting designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p> <p><b><u>Label "Appendix I"</u></b></p>	✓			
<p>10. Identification of the points of origin of the contamination and the persons responsible for the contamination, to the extent known.</p> <p><b><u>Label "Appendix J"</u></b></p>	✓			
<p>11. A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known.</p> <p><b><u>Label "Appendix K"</u></b></p>	✓			
<p>12. A listing of all existing state or EPA registrations, permits, and identification numbers that applies to the designated property.</p> <p><b><u>Label "Appendix L"</u></b></p>	✓			
<p>13. A statement as to whether the designated property has been admitted to the Texas Voluntary Cleanup Program (section 361.601 of the Texas Health &amp; Safety Code, as may be amended from time to time) or similar state or federal programs, and a description of the status of the designated property in the program.</p> <p><b><u>Label "Appendix M"</u></b></p>	✓			
<p>14. A summary of any environmental site assessment reports filed with TCEQ regarding any site investigations or response actions that are planned, ongoing or completed related to the designated property.</p> <p><b><u>Label "Appendix N"</u></b></p>	✓			

ITEM	YES	NO	N/A	COH Use Only
<p>15. A statement as to whether any public drinking water supply system exists that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property and the identity of each supply system.</p> <p><b><u>Label "Appendix O" - Cross Reference with TCEQ's # 2. 1<sup>st</sup> bullet</u></b></p>	✓			
<p>16. The name and address of each owner or operator of a water well registered or permitted by the state or the Houston-Galveston Subsidence District that is located within five miles of the boundary of the designated property, along with:</p> <p>a. A map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water.</p> <p>b. A statement as to whether the applicant has provided notice to each owner in compliance with section 361.805 of the Texas Health and Safety Code.</p> <p><b><u>Label "Appendix P" - Cross Reference with TCEQ's # 8 &amp; 9</u></b></p>	✓			
<p>17. The name and address of each retail public utility, as defined in section 13.002 of the Texas Water Code, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, along with a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.</p> <p><b><u>Label "Appendix Q" - Cross Reference with TCEQ's # 7, 3<sup>rd</sup> bullet</u></b></p>	✓			
<p>18. A listing of each municipality, other than the city of Houston, with a corporate limit within one-half mile of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.</p> <p><b><u>Label "Appendix R" - Cross Reference with TCEQ's # 7, 2<sup>nd</sup> bullet</u></b></p>			✓	
<p>19. A listing of each municipality, other than the city of Houston, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.</p> <p><b><u>Label "Appendix S" - Cross Reference with TCEQ's # 7, 4<sup>th</sup> bullet</u></b></p>	✓			
<p>20. A listing of owners of real property within 2,500 ft. of the boundary of the designated property as indicated by the most recent appraisal district records. (Include pre-printed mailing labels)</p> <p><b><u>Label "Appendix T"</u></b></p>	✓			



ITEM	YES	NO	N/A	COH Use Only
<p>21. The following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the State of Texas with expertise in environmental remediation:</p> <p>‘To the best of my knowledge and belief, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate and complete. Based on such review, the contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not do exceed or do not exceed a non-ingestion protective concentration level on property beyond the boundaries of the designated property’</p> <p><b><u>Label “Appendix U”</u></b></p>	✓			
<p>22. If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property are migrating from or through the designated property more likely than not do exceed a non-ingestion protective concentration level on property beyond the boundary of the designated property, then the applicant must:</p> <ol style="list-style-type: none"> <li>Specify the name and address of the owner of each property.</li> <li>Send a copy of the application to the owner of the property with the notice of the public meeting.</li> <li>Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such a program is the Texas Voluntary Cleanup Program (section 361.501 of the Texas Health and Safety Code, as may be amended from time to time).</li> <li>Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency administering the program.</li> </ol> <p><b><u>Label “Appendix V”</u></b></p>			✓	
<p>23. The following statement certified by the applicant and any authorized representatives of the applicant(s) listed in the application:</p> <p>‘I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violation’.</p> <p><b><u>Label “Appendix W”</u></b></p>	✓			
<p>24. A copy of the TCEQ application, if it has been filed, excluding attachments.</p> <p><b><u>Label “Appendix X”</u></b></p>		✓		

25. The signature of the applicant and proof that the applicant has the legal authority to restrict the use of the groundwater on the designated property. <b><u>Label "Appendix Y"</u></b>	✓			
26. The initial filing fee of \$2,000.00 payable to "City of Houston". <b><u>Label "Appendix Z"</u></b>	✓			
27. Any additional information. <b><u>Label "Appendix AA"</u></b>	✓			



## **EXECUTIVE SUMMARY**

This application is for a designated property in southeast Houston near the intersection of Polk Street and South Wayside Drive. The designated property consists of approximately 23 acres which are used for commercial/industrial purposes and includes portions of public roadways. Individual property owners within the designated property include 5436, LLC, 5610 Company LLC, Schumacher Company Inc., the Metropolitan Transit Authority of Harris County (METRO), CenterPoint Energy, and the City of Houston.

The intended future use of the designated property will remain the same. The area surrounding the designated property is currently of mixed commercial/industrial and residential use. This area was industrially developed as early as 1929 and, according to TCEQ's public records, contamination of groundwater is widespread throughout the area. However, the City of Houston provides drinking water for the designated property and the surrounding properties within one-half mile.

Environmental assessments have found chemicals of concern (COCs) in groundwater beneath the designated property including metals and volatile organic compounds. Within the designated groundwater, these COCs include chromium and chlorinated solvents at concentrations in excess of groundwater ingestion standards (termed Protective Concentration Limits, or PCLs).

The designated groundwater consists of the "Lower Saturated Zone" which consists of thin water bearing strata between 30 and 60 feet below land surface. Contaminant plumes within the designated groundwater appear to be stable within the bounds of the designated property based on the relatively low concentrations of COCs observed over several years of monitoring.

The concentrations of COCs in the designated groundwater do not exceed the TRRP residential non-ingestion PCLs in any monitoring wells. Based on historic monitoring data, it is believed that this will remain the case and upon the implementation of an MSD, concentrations of COCs in the designated groundwater will continue not to exceed the TRRP residential non-ingestion PCLs. Soil on the designated property is not expected to influence the designated groundwater based on historic monitoring data.

No public water wells are believed to be at risk from contamination associated with the designated property. According to records obtained from the TCEQ and the Harris-Galveston Subsidence District, there are approximately 550 registered/permitted water wells within a five mile radius of the designated property. Of these, public records indicate that there are 13 active retail public utility (RPU) wells. Within a one-half mile radius, the records indicate that there approximately 16

registered/permitted wells. Of these, two (both owned by the City of Houston) are listed as RPU wells.

The municipalities of City of Galena Park, and City of Jacinto City are located within 5 miles of the designated property. However, other than the City of Houston, there are no municipalities within one-half mile of the designated property.

Independent of the designated groundwater (termed the Lower Saturated Zone) which is being addressed by this MSD, shallow groundwater (in the Upper Saturated Zone), approximately 12 to 22 feet below land surface is being remediated under the administrative review of the TCEQ's Corrective Action Section or being investigated under the Voluntary Cleanup Program.